

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

PRIORITY ACCESS SOLUTIONS
CORPORATION

Plaintiff,

v.

IBM a/k/a INTERNATIONAL BUSINESS
MACHINES CORPORATION

Defendant.

Civil Action No. 6:07cv447 (LED)

Jury Trial Demanded

STIPULATION FOR DISMISSAL

The parties, through the undersigned attorneys, hereby stipulate and agree that the claims and counterclaims asserted in the foregoing action are dismissed with prejudice, with each party to bear its own attorney fees and costs.

Dated: October 2, 2008

Respectfully submitted,

/s/ Mark N. Reiter (with consent)
Mark N. Reiter
Lead Attorney
Texas Bar No. 16759900
GIBSON, DUNN & CRUTCHER LLP
2100 McKinney Avenue, Suite 1100
Dallas, Texas 75201
Telephone: (214) 698-3100
Facsimile: (214) 571-2900
mreiter@gibsondunn.com

/s/ Anthony G. Simon
Anthony G. Simon
MO State Bar No. 38745
SIMON PASSANANTE PC
701 Market Street, Suite 1450
St. Louis, Missouri 63101
Telephone: (314) 241-2929
Facsimile: (314) 241-2029
asimon@simonpassanante.com

Scott E. Stevens
Texas Bar No. 00792024
STEVENS LAW FIRM
P.O. Box 807
Longview, Texas 75606
Telephone: (903) 753-6760
Facsimile: (903) 753-6761
scott@seslawfirm.com

**ATTORNEYS FOR INTERNATIONAL
BUSINESS MACHINES CORPORATION**

Thomas John Ward, Jr.
Ward & Smith Law Firm
P. O. Box 1231
Longview, TX 75606-1231
Telephone: (903) 757-6400
Facsimile: (903) 757-2323
jw@jwfirm.com

**ATTORNEYS FOR PRIORITY ACCESS SOLUTIONS
CORPORATION**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served on counsel for all parties of record via the Court's CM/ECF system on October 6, 2008.

/s/ Anthony G. Simon
Anthony G. Simon